IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5483 of 2005

Between:

T.Buchirama Rao, S/o Narsimha Rao,
R/o H.No.TRT-45, Industrial Colony, Warangal, Warangal District.

..... PETITIONER

AND

1. Andhra Pradesh State Road Transport Corporation, rep., by its Chairman & Managing Director, Musheerabad, Hyderabad.
2. The Depot Manager, A.P.State Road Transport Corporation, Warangal-II, Warangal District.
3. The Secretary, Regional Transport Authority, Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in recovering the amounts payable to the petitioner by reducing the payment of hire charges from the year 1997 in respect of the petitioner's vehicle bearing registration No.TMN 5599, as illegal, arbitrary and unjust and consequently direct the respondents to pay the hire charges to the petitioner's vehicle as was being paid earlier including the amounts already recovered.

Counsel for the Petitioner:SMT.M.VINOBHA DEVI

Counsel for the Respondent Nos.1 and 2: SMT P.RAJANI REDDY (SC FOR APSRTC)

Counsel for the Respondent No.3: GP FOR TRANSPORT

The Court at the admission stage made the following O R D E R:

Petitioner seeks appropriate writ or direction to declare the action of the second respondent in recovering the amounts payable to the petitioner by reducing the payment of hire charges in respect of his vehicle as illegal and arbitrary.

The Corporation has framed the scheme by identifying the routes in some districts and the same was approved by the Government. Pursuant to the said scheme, the Corporation has operated its own vehicles on some routes and obtained the vehicles of private entrepreneurs on hire basis. The petitioner states that initially he was allotted the mofusil service route Warangal to Wardhannapet and entered into an agreement with the Corporation to that effect. Thereafter, the second respondent changed the routes from time to time. The grievance of the petitioner is that the second respondent without assigning any reasons has reduced the payment of hire charges. Hence the writ petition.

Learned counsel for the petitioner contends that the respondents reduced the payment of hire charges without any authority and, therefore, seeks for necessary directions.

On the other hand, learned standing counsel appearing for respondents 1 and 2 contends that in terms of the agreement entered into between the petitioner and the Corporation, entire hire charges were paid to the petitioner.

The proceedings of the Corporation dated 16.08.2004 would clearly go to show that with reference to the representation of the petitioner dated 20.07.2004, this is to inform you that in terms of the agreement entered into by the Corporation, the hire charges were worked-out and paid to you. No payment is outstanding against you as per records of this office.

Whether the petitioner is entitled for payment of hire charges or not has to be

determined after adducing necessary evidence before the competent authority.

Since it is a pure question of fact, which cannot be decided in this writ petition, the writ petition is liable to be dismissed, which is accordingly dismissed at the stage of admission. No order as to costs.

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(K.C.BHANU,J)

Dt:24.03.2005

usd

To

1. The Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.
2. The Depot Manager, A.P.State Road Transport Corporation, Warangal-II, Warangal District.
3. The Secretary, Regional Transport Authority, Warangal, Warangal District.
4. Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT).
5. Two CD copies.